

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

Davontay Spraggins,

Plaintiff,

v.

Case No. 14-13845

K. Hart,

Honorable Sean F. Cox

Defendant.

ORDER ADOPTING
2/4/16 REPORT AND RECOMMENDATION

Acting *pro se*, Plaintiff Davontay Spraggins (“Plaintiff”) filed this action on October 3, 2014.

The matter was referred to a magistrate judge for determination of all non-dispositive motions pursuant to 28 U.S.C. § 636(b)(1) and report and recommendations pursuant to § 636(b)(1)(B) and (C).

On February 4, 2016, Magistrate Judge Stephanie Dawkins Davis issued a Report and Recommendation (“R&R”) wherein she recommends that Defendant Robert Hart’s Motion for Summary Judgment be granted and that Defendant Hart be dismissed without prejudice because Plaintiff did not exhaust his administrative remedies prior to filing this action.

Pursuant to FED. R. CIV. P. 72(b), a party objecting to the recommended disposition of a matter by a Magistrate Judge must file objections to the R&R within fourteen (14) days after being served with a copy of the R&R. “The district judge to whom the case is assigned shall make a *de novo* determination upon the record, or after additional evidence, of any portion of the

magistrate judge's disposition to which specific written objection has been made." *Id.*

The time for filing objections to the R&R has expired and the docket reflects that neither party has filed objections to the R&R. The Court hereby ADOPTS the February 4, 2016 R&R.

IT IS FURTHER ORDERED that Defendant Hart's motion is granted to the extent that Plaintiff's claims against Defendant Hart are DISMISSED WITHOUT PREJUDICE because Plaintiff failed to exhaust his administrative remedies prior to filing this action.

IT IS SO ORDERED.

Dated: February 25, 2016

S/ Sean F. Cox
Sean F. Cox
U. S. District Judge

I hereby certify that on February 25, 2016, the foregoing document was served on counsel of record via electronic means and upon Davontay Spraggins via First Class mail at the addresses below:

Davontay Spraggins 794573
Michigan Reformatory
1342 West Main Street
Ionia, Mi 48846

Davontay Spraggins 794573
Ionia Correctional Facility
1576 Bluewater Hwy
Ionia, MI 48846

S/ J. McCoy
Case Manager